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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,304

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Tatsuji Nagaoka

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79510

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03/19/2009

NTT Mobile Communications Network I/BHGL

P.O. Box 10395

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EXAMINER

PENG, FRED H

ART UNIT

PAPER NUMBER

2426

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/088,304	<b>Applicant(s)</b> NAGAOKA ET AL.	
	<b>Examiner</b> FRED PENG	<b>Art Unit</b> 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 15-19,22-30 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-19,22-30 and 33-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 15-19, 22-30 and 33-36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15-19, 22-30 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al (US 2007/0186240) in view of Harada et al (US 5,721,583) and Waki et al (US 7,194,758).

Regarding Claims 15 and 26, Ward discloses a user interface generator and corresponding method comprising:

a memory configured to store user attributes of registered users in relation to identifications of the registered users (Para 288-290);

a instruction receiver configured to receive instructions from a remote control which request execution of performances by an appliance, wherein the instruction contains an identification of the instructing user (Para 289-290; individualized remote contains an identification of the instructing user);

an attribute locator configured to locate user attributes of the instructing user registered in the memory, using the identification of the instructing user (Para 289; individualized remote with identification of the instructing user to locate user attribute);

an option selector configured to determine, based on at least one of the located user attributes and the identifications of the instructing users, different operational options available to

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the instructing users from among operational options selectable in connection with execution of the performances (Para 302); and

an object generator configured to generate different objects for the instructing users which show only the available operational options for the instructing users (Para 303).

Ward discloses the EPG is capable of distinguishing between individual viewers and develops individualized profiles. For instance, in one embodiment, each viewer has an individual PIN or other identification number (Para 289). However, Ward does not specifically disclose a mobile phone as the remote control and transmitting attribute of identified instructing user stored in the mobile phone to the instructing receiver if user attributes are not registered in the memory and register the user attributes from the mobile phone in the memory.

In an analogous art, Harada discloses registering a remote control to a terminal controller by transmitting attribute of identified instructing user stored in the remote control to the terminal controller as an authorized user (Col 27 lines 28-39); Waki further discloses a remote control can be substituted with a mobile phone (FIG.1, elements 203, 204; Col 13 lines 49-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ward's system to include a mobile phone as the remote control and transmitting attribute of identified instructing user stored in the mobile phone to the instructing receiver, as taught by Harada and Waki to provide additional privacy security for the user (Harada Col 25 lines 23-38) while enjoying the convenience of using personal mobile phone as an alternative remote control to perform many additional functions.

Regarding Claims 16 and 27, Ward further discloses the user attributes include user's favorites (Para 288).

Regarding Claims 17 and 28, Ward further discloses each operational option is associated with at least one attribute, and the option selector compares the at least one attribute associated with a respective operational option with the user attributes of an instructing user to

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see if any of the respective operational options is available to the instructing user (Para 302; use user attribute to look for favorite programs for the user).

Regarding Claims 18 and 29, Ward further discloses an identification of a user identifies the user (Para 289).

Regarding Claims 19 and 30, Waki further discloses user attributes of a user is updatable by the user (Para 288).

Regarding Claims 22, 23, 33 and 34, Ward further discloses the user interface generator is incorporated in the appliance, wherein the appliance comprising a set-top box configured to receive broadcast programs from broadcast stations (Para 42; EPG is inherently used in a set-top box).

Regarding Claims 24 and 35, Ward further discloses the performances comprising at least one real-time viewing of a broadcast program (FIG.1; EPG includes one real-time viewing of a broadcast program).

Regarding Claims 25 and 36, Ward further discloses the operational options selectable in connection with execution of the performances comprise options to viewable broadcast programs (FIG.1, element 44), options to recordable broadcast programs (FIG.1, element 46), options to playback-able broadcast programs (Para 142).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fhp

/VIVEK SRIVASTAVA/  
Supervisory Patent Examiner, Art Unit 2426